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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 DANIELLE LASHEA HENDERSON,
15 Defendant.
16

Case No. 14-cr-00307-BAS-1

**ORDER DENYING MOTION TO
REDUCE SENTENCE PURSUANT
TO FIRST STEP ACT (ECF No. 70)**

17 On November 23, 2020, in the midst of the coronavirus pandemic, this Court
18 sentenced Ms. Henderson to six months in custody for violating her supervised release.
19 (ECF No. 69.) Less than two months later, she moves to reduce her sentence pursuant to
20 the First Step Act, arguing that her asthma and obesity make her risk greater if she were to
21 contract COVID-19. (ECF No. 70 (“Defendant’s Motion”).) The Government opposes
22 the Motion. (ECF No. 72 (“Government’s Response”).) Defendant replies. (ECF No. 73.)
23 For the reasons stated below, the Court **DENIES** the Motion.

24 **ANALYSIS**

25 A district court generally “may not modify a term of imprisonment once it has been
26 imposed.” 18 U.S.C. § 3582(c); *see also Dillon v. United States*, 560 U.S. 817, 825–26
27 (2010). A narrow exception, compassionate release, allows a court to reduce a sentence
28 for “extraordinary and compelling reasons.” 18 U.S.C. § 3582(c)(1)(A)(i).

1 The only factors that have changed since Ms. Henderson was sentenced on
2 November 23, 2020, are that: (1) Ms. Henderson tested positive for COVID-19 on
3 December 9, 2020 (Defendant's Motion, Exhs. A, G); and (2) on December 30, 2020, and
4 January 20, 2021, Ms. Henderson received both doses of the Pfizer vaccine protecting
5 against future COVID-19 infection (Government's Response, Appendix A).

6 Ms. Henderson provides evidence that she suffers from asthma and is morbidly
7 obese. Thus, she argues she is at enhanced risk of serious illness or death were she to get
8 reinfected or relapse with the coronavirus. However, her chances of reinfection or relapse
9 have been largely dissipated by her vaccination. *See CDC, Facts about COVID-19*
10 *Vaccines*, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/facts.html> (last updated
11 Jan. 20, 2021) (providing COVID-19 vaccination will protect an individual from getting
12 sick with COVID-19 in the future).


13 Therefore, the Court finds Ms. Henderson has failed to show "extraordinary and
14 compelling reasons" for her release.

15 CONCLUSION

16 Because Ms. Henderson has been vaccinated for COVID-19, the Court finds she
17 fails to show extraordinary and compelling reasons for her request to be released.
18 Therefore, her Motion to Reduce her sentence (ECF No. 70) is **DENIED**.

19 **IT IS SO ORDERED.**

20
21 **DATED: January 27, 2021**


Hon. Cynthia Bashant
United States District Judge